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10/573,024

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EXAMINER

HAIDER, FAWAAD

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,024	<b>Applicant(s)</b> SOUMOKIL, MIKE	
	<b>Examiner</b> FAWAAD HAIDER	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 30-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 1-29 were cancelled, and claims 30-33, 35-36, 38, 40-45, 47-49, 51, and 54-55 were amended. Claims 30-55 are pending.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

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be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 30-55 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 30-55 of copending Application No. 10/573,031. Although the conflicting claims are not identical, they are not patentably distinct from each other because both of the applications claim a first and second state.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

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Patentability shall not be negated by the manner in which the invention was made.

5. Claims 30-31 and 36-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinkle et al (7,254,288) in view of Baker et al (6,989,820) and Reynolds (2003/0130937).

Re Claims 30, 54, 55: Hinkle discloses comprising: selecting, from a plurality of invoices, by the computer, a first set of invoices which are due within a specified time period and which have a balance larger than a first threshold value (Hinkle col.4, lines 49-63 and Figure 4 elements 120 and 122).

However, Hinkle fails to disclose the following limitation. Meanwhile, Baker discloses assigning, by the computer, a first state to invoices in the second set of invoices; and using the first state to control processing of the invoices (see Abstract, col.2, lines 35-67; col.3, lines 51-60; col.4, lines 44-57; col.5, lines 24-59; col.6, lines 12-23; line 46 through col.7, line 33; col.10, lines 41-65; Figures 5, 6A-B). From the teaching of Baker, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hinkle's invention with Baker's disclosure of assigning states in order to accurately track collection activity based on the target invoice parameters thereby facilitating optimal resource utilization and efficiency in processing invoices.

Meanwhile, Hinkle and Baker fail to disclose the following. However, Reynolds discloses selecting, by the computer, from the first set of invoices, a second set of

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invoices for which a full payment of the respective balance has not been received (see [0052]). From the teaching of Reynolds, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hinkle's and Baker's inventions with Reynolds's disclosure of a payment non in full in order "... for advancing collections on unpaid debts (see Reynolds Abstract)."

Re Claim 31: Baker discloses further comprising: selecting, from the plurality of invoices, a third set of invoices; and assigning a second state to the third set of invoices (see Abstract, col.2, lines 35-67; col.3, lines 51-60; col.4, lines 44-57; col.5, lines 24-59; col.6, lines 12-23; line 46 through col.7, line 33; col.10, lines 41-65; Figures 5, 6A-B). From the teaching of Baker, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hinkle's invention with Baker's disclosure of assigning states in order to accurately track collection activity based on the target invoice parameters thereby facilitating optimal resource utilization and efficiency in processing invoices.

Re Claims 36, 38: Hinkle discloses further comprising: selecting, from said plurality of invoices, a fourth set of invoices having balances smaller than a second threshold value and larger than a third threshold value; and assigning a third state to the fourth set of invoices, the second threshold value being smaller than or equal to the first threshold value and the third threshold value being smaller than the second threshold value; selecting, from said plurality of invoices, a fifth set of invoices, having balances smaller than the third threshold value; and assigning a fourth state to the fifth set of

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invoices (see Abstract; col.3, lines 27-54; col.4, lines 35-56; Figure 4, element 118; Figure 5, col.2, lines 35-67; col.3, lines 51-60; col.4, lines 44-57; col.5, lines 24-59; col.6, lines 12-23; line 46 through col.7, line 33; col.10, lines 41-65; Figures 5, 6A-B).

From the teaching of Baker, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hinkle's invention with Baker's disclosure of assigning states in order to accurately track collection activity based on the target invoice parameters thereby facilitating optimal resource utilization and efficiency in processing invoices.

Re Claim 37: Hinkle discloses wherein the third state is a state of medium priority (see col.1, lines 27-40).

Re Claim 39: Hinkle discloses wherein the fourth state is a state of low priority (see col.1, lines 27-40).

Re Claim 40: Hinkle discloses wherein the first threshold value is selected such that a total balances of the first set of invoices is equal to a specified percentage of the outstanding active debts of a company that issues the invoices (see Abstract; col.1, lines 28-35; col.2, lines 20-28; Figure 1; Figure 4 element 114 and Figure 5; col.4, lines 45-50).

Re Claim 41: Hinkle discloses further comprising presenting the invoices having at least one of the first state, the second state, the third state, and the fourth state to a cash collector (see col.4, line 45-col.5, line 5; Figure 4, elements 116, 126, 132).

Re Claims 42-44: Hinkle discloses further comprising presenting invoices having at least one of the first, second, third, or fourth state to the cash collector at the expiration of a first period of time before the due dates of the presented invoices (see col.4, line 45- col.5, line 5; Figure 4 elements 116, 126, 132).

Re Claim 45: Hinkle discloses further comprising: determining, by said cash collector, whether payments to the invoices having at least one of the first state and the second state have been made before, on, or after the due date, and, in case of a non-payment, presenting the non-payment invoices to a collecting service (see col.4, line 35-col.5, lines 6-30; Figure 4 elements 116, 126, 132).

Re Claim 46: Hinkle discloses wherein the second period of time is smaller than the first period of time and the third period of time is smaller than the second period of time (see col.4, lines 47-49).

Re Claim 47: Hinkle discloses further comprising dunning customers associated with the fifth set of invoices (see Figure 4 elements 118, 126; col.4, lines 35-63; Figure 5, element 160).

Re Claim 48: Hinkle discloses comprising presenting the non-payment invoices to one of a collection division of a company that issues the invoices or an external collecting agency (see Figure 5 element 158).

Re Claim 49: Hinkle discloses further comprising:checking whether a non-payment is reasoned, and in case the non-payment is not reasoned, presenting such



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non-payment invoice to an external collecting agency (see col.4, line 35-col.5, line 30; Figure 4 element 126).

Re Claim 50: Hinkle discloses further comprising presenting the non-payment invoices to the collecting service as a to-do-list (see col.2, lines 8-19).

Re Claim 51: Hinkle discloses further comprising: receiving a request for a state change of an invoice from a customer; and changing the state of the invoice according to said request (see col.6, lines 10-20 and Figure 7, elements 180 and 184).

Re Claim 52: Hinkle discloses further comprising presenting the request to an internal clearing division before changing the state (see col.5, lines 15-30; Figure 5, element 158).

Re Claim 53: Hinkle discloses wherein the method is implemented as part of software for supporting business processes, the software comprising enterprise resource planning software (see col.13, lines 34-38).

6. Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinkle et al (7,254,288) in view of Baker et al (6,989,820) and Reynolds (2003/0130937) and further in view of Underwood (6,718,535).

Hinkle, Baker, and Ahmed fail to disclose the following limitations.

Re Claims 32-35: Underwood discloses comprising storing at least one of the first state and the second state as an entry into data fields (or by a first and second set

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of characters entered into one data field) of data records, the data records comprising data of the third set of invoices (see col.270, lines 27-33). Underwood also discloses wherein one or more of the plurality of invoices are invoices of special importance (see col.216, Figure 82). Underwood then discloses wherein said first and second states are states of high priority (see col.216, Figure 82). From the teaching of Underwood, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hinkle's, Baker's, and Ahmed's inventions with Underwood's disclosure of priorities in order to use commonly used computer techniques such as tagging or to use commonly used computer models such as access.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 30-55 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fawaad Haider/

Examiner

Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627